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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,526	02/10/2004	Kiyoshi Nakajima	107355-00109	1099

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EXAMINER

ILAN, RUTH

ART UNIT PAPER NUMBER

3616

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/774,526	<b>Applicant(s)</b> NAKAJIMA, KIYOSHI	
	<b>Examiner</b> Ruth Ilan	<b>Art Unit</b> 3616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/10/04, 4/17/06</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Election/Restrictions***

2. Applicant's election without traverse of Species I, Figures 1-3 in the reply filed on 4/17/06 is acknowledged. Claims 2-5 have been withdrawn from consideration, as being drawn to a non-elected species, there being no allowed generic or linking claims.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "pillow ball joint" of claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. The disclosure is objected to because of the following informalities: On page 2, line 19, "boll" should be "ball". On page 5, line 16, before pillow "a" should be inserted. In the abstract, on line 7. "boll" should be "ball".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 7 "boll" should be "ball". Additionally in claim 1, lines 6 and 7 recite "a supporting device supporting the near the ends of the torsion bar on a vehicle body" has a grammatical construction that is difficult to understand, and unclear. It appears that a subject is missing from this phrase. For the purposes of examination, it will be assumed that what is intended is "a supporting device supporting the torsion bar near the ends of the torsion bar on a vehicle body".

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Allison (US 3,990,725.) Allison teaches a supporting structure of a stabilizer including a twist deformable torsion bar (58) having a pair of arms (33,53) being connected to a suspension (16, see Figure 2.) Also taught is a supporting device (37) supporting the torsion bar near the ends of the torsion bar on a vehicle body (20) that includes a ball joint (See Figure 3.) It is the examiner's position that the torsion bar is supported by 37 "on the vehicle body" because it supports the torsion bar on the damper (16) and the damper is supported by the ball joint on the vehicle body (at 22, see Figure 2.) Regarding claim 6, the ball joint includes a "pillow" (42).

9. As broadly recited, Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Basnett (US 6,672,605.) Basnett teaches (see Figure 5) a supporting structure of a stabilizer including a twist deformable torsion bar (76) having a pair of arms (33,53) being connected to a suspension (30) Also taught is a supporting device (10, 50, 70, 72) supporting the torsion bar near the ends of the torsion bar on a vehicle body (see col. 5, lines 18-20) that includes a ball joint (72) It is the examiner's position that the torsion bar is supported by 72 "on the vehicle body" because the torsion bar is

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supported on 10, which is connected to 50 and then supported by 70, 72 on the vehicle body.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engel (US 5,387,004) in view of Rabe (US 2,082,509.) Engel teaches a torsion suspension of the type claimed, including a twist deformable torsion bar (42) that includes a pair of arms (41) connected to a suspension (2,3). Engel is silent regarding the connection between the torsion bar and the vehicle body, sonly showing it schematically (at 3) and as such fails to show a supporting device that includes a ball joint. Rabe teaches that it is known (Figure 2) to provide torsion bar supports that include ball joints (Figure 2) and further teaches that such joints are useful in embodiments that include transverse torsion bars (see page 2, lines 35-55) which is used to keep constraint moments to a minimum. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the torsion bar mounting of Engel to include ball joint mountings, in view of the teaching of Rabe, in order to keep constraint moments at a minimum Regarding claim 6, as broadly claimed and disclosed, the ball joint of Rabe can fairly be termed a "pillow" ball joint, since the ball is pillowed in the bearing (6b).

**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Buckendale, Willets, and Kincaid et al. teach ball joint suspensions of interest.

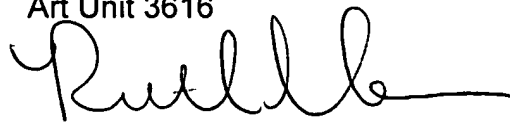
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RI  
4/26/06

Ruth Ilan  
Primary Examiner  
Art Unit 3616

  
4/26/06